



DATE: November 18, 2021

TO: Chair Malakoutian and Members of the Planning Commission

FROM: Nick Whipple, Planning Manager, 452-4578  
Kristina Gallant, Senior Planner, 452-6196  
*Development Services Department*

**SUBJECT:** Public Hearing on a Land Use Code Amendment (LUCA) for general clean-ups to improve clarity and internal Land Use Code (LUC) consistency, and correct inaccurate or outdated citations. File No. 20-118294-AD.

## **I. BACKGROUND**

The proposed LUCA will amend LUC chapters 20.10, 20.20, 20.25, and 20.50 to improve clarity and internal LUC consistency, and correct inaccurate or outdated citations. A strike-draft of the proposed LUCA is provided as Attachment A.

About every other year, the City undertakes general clean-ups to the LUC. These amendments are minor in nature and are limited to items that are not substantive, do not address policy issues, or otherwise warrant independent LUCAs.

This proposed LUCA includes the following amendments to the following LUC sections:

1. LUC 20.10.200: Removes reference to the Sammamish Community Council (discontinued in 2001)
2. LUC 20.20.255.C: Updates reference to correct figure in the Comprehensive Plan
3. LUC 20.20.900.E.1: Updates to correct section reference in the Bellevue City Code (BCC)
4. LUC 20.50.016: Removes outdated definition
5. LUC 20.50.034: Removes outdated definition
6. LUC 20.50.036: Updates outdated reference from Uniform Building Code (UBC) to International Existing Building Code (IEBC)
7. LUC 20.25A.010.A.3: Removes LUC 20.20.520 (Landscape Development) from the list of sections inapplicable to Downtown, Part 20.25A LUC. Other sections in Part 20.25A LUC reference LUC 20.20.520 to vary or supplement landscape requirements applicable to Downtown.
8. LUC 20.25A.080.B: Adds a footnote to the parking requirements table referencing the amenity incentive system, which includes reduced minimum parking standards for affordable housing. This amendment would not change any parking standards or the amenity incentive system and has only been proposed for clarity.

9. LUC 20.25A.170.A.8.b: Updates a figure depicting standards for compatible parking structures near urban streetscapes in Downtown for consistency with the text in LUC 20.25A.170.A.8.b.i.
10. LUC 20.25P.085.A.3.d: Removes an unintentional restriction for the uses of the entire ground floor, rather than just the uses along the building frontage facing a street identified in LUC 20.25P.090.A.3.

## **II. REVIEW PROCESS**

The proposed LUCA was introduced to the Planning Commission during the October 27 Study Session. During the meeting, the Planning Commission reviewed all components of the proposed LUCA. After discussion, the Planning Commission directed staff to schedule the required public hearing for December 8. The East Bellevue Community Council (EBCC) was introduced to the LUCA during a courtesy public hearing on November 2.

Following the public hearing on December 8, the Planning Commission will be asked to make a recommendation for transmittal to the City Council. The City Council is anticipated to consider the LUCA and the Planning Commission Recommendation at a future meeting. The EBCC will hold a public hearing to make an approval/disapproval decision, consistent with procedural requirements for this legislative item.

## **III. PUBLIC ENGAGEMENT**

### Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Notice of the LUCA application was published in the Weekly Permit Bulletin on September 16, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times. Notice of the Public Hearing was published in the Weekly Permit Bulletin on November 18, along with availability of this staff report. The notice of public hearing was also provided to members of the EBCC and those individuals who have subscribed to receive these notices and those who have expressed interest on this topic.

### Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. The required notice to the Department of Commerce and the initial draft LUCA were transmitted on October 20, 2021, and a copy of both documents is available for review in the code amendment file. No comments have been received by Commerce as of the date of this report.

### Public Comments

As of the date of this staff report, staff have not received comments on the draft LUCA.

#### IV. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the LUC. Those criteria, and the relationship of these proposed amendments to them, are discussed below:

A. The amendment is consistent with the Comprehensive Plan; and

**Finding:** The proposed LUCA is consistent with the Comprehensive Plan. The proposed amendments are administrative in nature, and do not change established policies. Such amendments ensure the established LUC, which has already been determined to be consistent with the Comprehensive Plan, can be clearly interpreted and applied.

B. The amendment enhances the public health, safety or welfare; and

**Finding:** The amendment will enhance the public health, safety and welfare of people by ensuring development regulations are clear and do not include internal inconsistencies that could limit the code from being applied as originally intended. This limits needless administrative delays, and supports development that is consistent with the City's established intent.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

**Finding:** The amendment is not contrary to the interests of citizens and property owners of the City as it corrects conflicts within the LUC and between the LUC and other city codes and supports consistent interpretation and application of the LUC.

#### V. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Environmental Coordinator for the City of Bellevue has determined that this LUCA is Categorically Exempt from the Threshold Determination requirements of the State Environmental Policy Act pursuant to the terms of WAC 197-11-800(19).

#### VI. RECOMMENDATION

Staff has concluded that the Clean-Up LUCA, as drafted in Attachment A, is consistent with the decision criteria required for adoption of amendments to the text of the LUC, pursuant to Part 20.30J LUC. Staff recommends for the Planning Commission to hold the required public hearing for the LUCA, and, following the public hearing, make a recommendation on this LUCA for transmittal to the City Council.

#### ATTACHMENTS:

A. Proposed LUCA Strike-Draft

**20.10.200 Suburban Residential Districts (R-2.5, R-3.5, R-4, R-5).**

Suburban Residential Districts provide for residential areas of low to moderate densities (2.5, 3.5, 4 and 5 dwellings per acre), and permit compatible, related activities.

\*Effective only within the jurisdiction of the East Bellevue Community ~~Council~~ and Sammamish Community Council.

Commented [A1]: Removes outdated reference

**20.20.255 Electrical utility facilities.**

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**C. Required Review.**

For new or expanding electrical utility facilities proposed on sensitive sites as described by Figure UT.5a of the Utilities Element of the Comprehensive Plan, the applicant shall obtain Conditional Use Permit approval under Part 20.30B LUC. For expansions of electrical utility facilities not proposed on sensitive sites as described by Figure UT.5a-7, the applicant shall obtain Administrative Conditional Use Permit approval under Part 20.30E LUC.

Commented [A2]: Correcting reference

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**20.20.900 Tree retention and replacement.**

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**E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.**

1. Permit Required. As required by BCC 23.76.035.A.89, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree from any lot in the R-1 Land Use District in the Bridle Trails Subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 of this section apply.

Commented [A3]: Correcting reference

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**20.25A.010 General.**

**A. Applicability of Part 20.25A LUC.**

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3. Land Use Code Sections Not Applicable in Downtown. The following sections of the Land Use Code, Title 20 Bellevue City Code (BCC), now or as hereafter amended, do not apply in Downtown. Unless specifically listed below, all other sections apply.

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~~l.~~ LUC 20.20.520;

~~l~~m. LUC 20.20.540;

~~m~~n. LUC 20.20.525;

~~n~~o. LUC 20.20.560;

~~o~~p. LUC 20.20.700 and 20.20.720;

~~p~~q. LUC 20.20.750 through 20.20.800;

~~q~~r. LUC 20.20.890 and 20.20.900.

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**Commented [A4]:** Per 20.25A.110.B this section does apply, except as it conflicts

**20.25A.080 Parking standards.**

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**B. Minimum/Maximum Parking Requirements by Use – Specified Uses.**

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**Downtown Parking Requirements**

| Land Use                  | Unit of Measure | Downtown Land Use Districts |      |                    |      |
|---------------------------|-----------------|-----------------------------|------|--------------------|------|
|                           |                 | -O-1, -O-2                  |      | -R, -MU, -OB, -OLB |      |
|                           |                 | Min.                        | Max. | Min.               | Max. |
| ...                       |                 |                             |      |                    |      |
| k. Residential<br>(6) (8) | per unit        | 0                           | 2.0  | 1.0 (5) (7)        | 2.0  |
| ...                       |                 |                             |      |                    |      |

**Notes to Parking Requirements:**

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(8) See LUC 20.25A.070.C.2.b for affordable housing minimum parking standards for projects meeting the amenity incentive system requirements of LUC 20.25A.070.C.2.a.

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**20.25A.170 Streetscape and public realm.**

**A. Streetscapes.**

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**8. Build Compatible Parking Structures.**

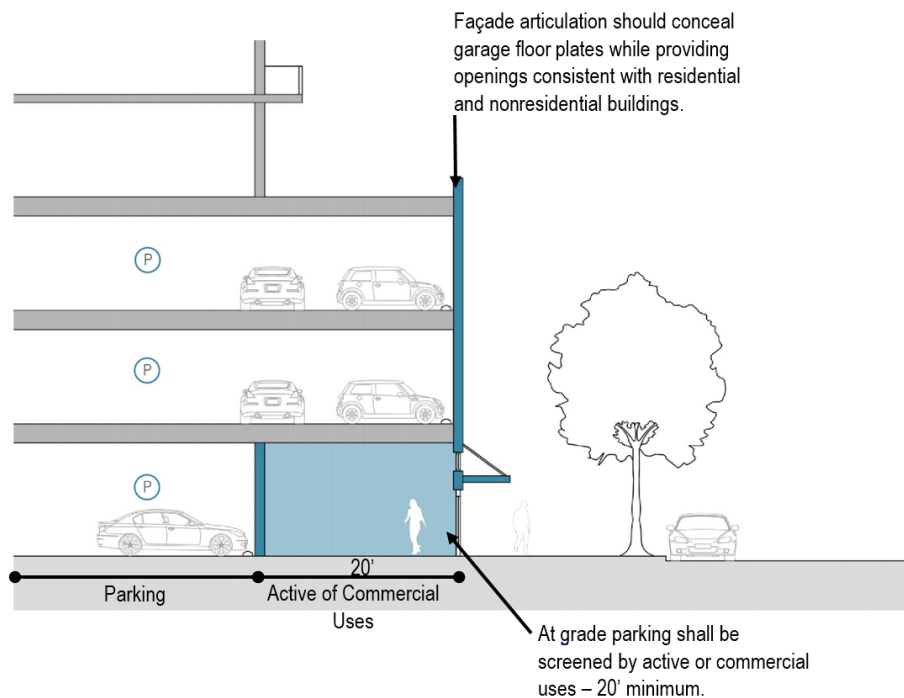
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**b. Standards and Guidelines.**

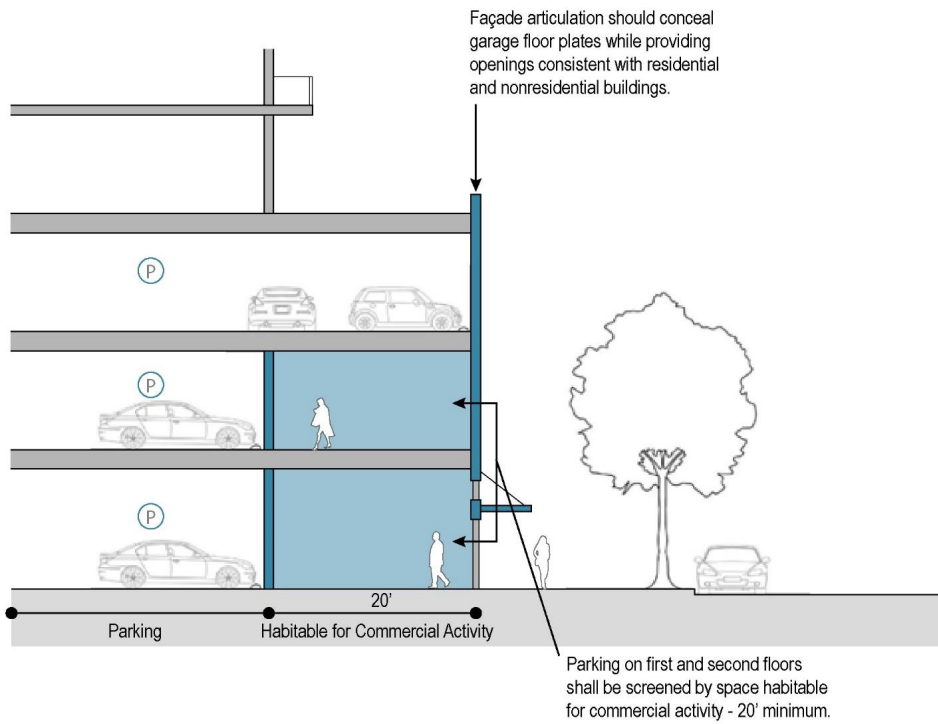
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**Commented [A5]:** No changes to parking standards, footnote proposed for clarity. Footnote points to existing reduced parking standards offered with amenity incentive system.

- xiii. Where glazing is required, the applicant may elect to provide a maximum of 25 percent of the openings of the total perimeter wall area of each level as unglazed or the minimum required openings percentage for natural ventilation established by the applicable International Building Code Section 406.5.2, as amended by the Bellevue Building Code, whichever is greater, to ensure the natural ventilation of the garage.



**Commented [A6]:** Graphic updated to reflect code, which states in LUC 20.25A.170.A.8.b.i that “first and second floors shall be habitable for commercial activity” instead of first only



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#### 20.25P.085 Required ground floor uses.

##### A. Required Ground Floor Uses.

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##### 3. Applicable Standards for Ground Floor Uses.

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~~d. All other uses are prohibited on the ground floor.~~

**Commented [A7]:** Contradicts 20.25P.085.A.2, which states that ground floor uses are only required for building frontages, not the entire ground floor.



**20.30N.140 Decision Criteria**

- A. The Director of the Development Services Department may approve or modify and approve a Home Occupation Permit if the following decision criteria are met:

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10. There are no more than six client visits per day and there is not more than one client on the premises at any one time, except in Boarding Houses and Bed and Breakfasts pursuant to LUC 20.20.140. One client does include a family arriving in a single vehicle; and

**Commented [A8]:** Necessary for consistency with recently-adopted Ordinance 6616

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**20.50.016 D definitions.**

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~~Director of Planning and Community Development. For the purposes of administering this Code, references to the Director of Planning and Community Development shall refer to the Director of the Development Services Department.~~

**Commented [A9]:** No longer used in code, "Director" definition makes this redundant.

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**20.50.034 M definitions.**

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~~Mid-Block Retail Connection. A type of pedestrian connection meeting the requirements of LUC 20.25A.115.D.~~

**Commented [A10]:** No longer used in code

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**20.50.036 N definitions.**

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Strike-Draft 2021 Clean-Up LUCA  
November 17, 2021

## Attachment A

**Nonconforming Structure.** A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density and building configuration regulations of the district in which it is located due to changes in Code requirements or annexation. For structures not conforming to Building Code requirements, see ~~UBC Section 104~~ the International Existing Building Code (IEBC).

**Commented [A11]:** UBC no longer applies

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